

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

July 27, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: NM  
DEPUTY

**ANISSA D. CARSON, Sui Juris,**

**Plaintiff,**

**v.**

**JOHN R. MCDEVITT, and/or his  
successor, individually, and in his official  
capacity as CFO of Homeloan Service,  
Inc. of Boise, ID, an ens legis being used  
to conceal fraud; TROY MARTIN  
and/or his successor, individually, and in  
his official capacity as Bonial &  
Association, P.C./Troy Martin, Substitute  
Trustee, an ens legis being used to conceal  
fraud; JOHN DOES (Investors) 1-  
10,000,**

**Defendants.**

**CIVIL NO. SA:23-CV-00443-OLG**

**ORDER**

This case is before the Court on Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, Personal Jurisdiction, Insufficient Service of Process, and Failure to State a Claim upon which Relief Can Be Granted. (*See* Dkt. No. 5.) Pursuant to 28 U.S.C. § 636(b), Magistrate Judge Elizabeth S. Chestney issued a report and recommendation (R&R) with respect to Defendant's motion to dismiss. (Dkt. No. 7, June 27, 2023.) Plaintiff was served with a copy of the R&R by certified mail (*see* Dkt. No. 8), and the time to object has passed.<sup>1</sup> The Court has thus reviewed the R&R to determine whether it is clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After such review, the Court finds that Magistrate Judge Chestney's recommendation should be accepted.

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<sup>1</sup>A party desiring to object to a magistrate judge's findings and recommendations must file and serve written objections within fourteen days after being served with the recommendations. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). Service is made to the last-known address of the party, and service by mail is complete upon mailing. Fed. R. Civ. P. 5(b)(2)(C).

It is therefore **ORDERED** that Magistrate Judge Chestney's R&R (Dkt. No. 7) is **ACCEPTED**. It is further **ORDERED** that, for the reasons set forth in the R&R, Defendant's motion to dismiss (Dkt. No. 5) is **GRANTED** and Plaintiff's claims are **DISMISSED** for lack of subject matter jurisdiction.

This case is **CLOSED**.

It is so **ORDERED**.

**SIGNED** this 27th day of July, 2023.

A handwritten signature in blue ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA  
United States District Judge